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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-759

13 **LESA DAYLE BULLARD, AKA LESA**  
14 **DAYLE SHONKWILER**

**DEFAULT DECISION AND ORDER**

15 **1499 Bullard-Rutan Road**  
16 **Mechanicsburg, OH 43044**

[Gov. Code, §11520]

17 **Registered Nurse License No. 689498**

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about June 25, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her then-  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs, filed Accusation No. 2012-759 against Lesa Dayle Bullard, aka Lesa Dayle  
23 Shonkwiler (Respondent) before the Board of Registered Nursing. (Accusation attached as  
24 Exhibit A.)

25 2. On or about September 26, 2006, the Board of Registered Nursing (Board) issued  
26 Registered Nurse License No. 689498 to Respondent. The Registered Nurse License expired on  
27 August 31, 2008, and has not been renewed.  
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1           3.     On or about June 25, 2012, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 2012-759, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's last address of record pursuant to California Code of Regulations, title 16, section  
5 1409.1 and Business and Professions Code section 124. Respondent's last address of record was:  
6 1499 Bullard-Rutan Road, Mechanicsburg, OH 43044. The same documents were also served by  
7 Certified and First Class Mail to another address where public records indicated Respondent had  
8 recently resided, 378 Diederich Blvd Apt 199, Ashland, KY 41101.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

11           5.     The Board received a certified mail receipt for the documents sent to the  
12 Mechanicsburg, Ohio address indicating they were received by Alan Bullard on June 29, 2012.  
13 The documents sent to the Ashland, Kentucky address were returned marked "Not Deliverable As  
14 Addressed."

15           6.     Government Code section 11506 states, in pertinent part:

16                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
17 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
18 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

19           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
20 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-  
21 759.

22           8.     Government Code section 11520 states, in pertinent part:

23                   (a) If the respondent either fails to file a notice of defense or to appear at the  
24 hearing, the agency may take action based upon the respondent's express admissions  
25 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

26           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
27 Respondent is in default. The Board will take action without further hearing and, based on the  
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
2 file at the Board's offices regarding the allegations contained in Accusation No. 2012-759, finds  
3 that the charges and allegations in Accusation No. 2012-759, are separately and severally, found  
4 to be true and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and  
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
7 and Enforcement is \$442.50 as of December 21, 2012.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Lesa Dayle Bullard, aka Lesa  
10 Dayle Shonkwiler has subjected her Registered Nurse License No. 689498 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
13 Nurse License based upon the following violations alleged in the Accusation which are supported  
14 by the evidence contained in the Default Decision Evidence Packet in this case:

15 a. Business and Professions Code section 2761 subdivision (a)(4) for having her Ohio  
16 registered license revoked on or about May 21, 2010.

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1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 689498, heretofore issued to  
3 Respondent Lesa Dayle Bullard, aka Lesa Dayle Shonkwiler, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
5 written motion requesting that the Decision be vacated and stating the grounds relied on within 7  
6 days after service of the Decision on Respondent. The agency in its discretion may vacate the  
7 Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on APRIL 11, 2013.

9 It is so ORDERED MARCH 12, 2013.

10   
11 FOR THE BOARD OF REGISTERED NURSING  
12 DEPARTMENT OF CONSUMER AFFAIRS

13  
14 51211490.DOCX  
15 DOJ Matter ID:LA2012506925

16 Attachment:  
17 Exhibit A: Accusation  
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# Exhibit A

Accusation

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Supervising Deputy Attorney General  
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Deputy Attorney General  
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*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2012-759**

11 **LESA DAYLE BULLARD AKA LESA**  
12 **DAYLE SHONKWILER**

**A C C U S A T I O N**

13 **1499 Bullard-Rutan Road**  
14 **Mechanicsburg, OH 43044**

15 **Registered Nurse License No. 689498**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about September 26, 2006, the Board issued Registered Nurse License Number  
23 689498 to Lesa Dayle Bullard aka Lesa Dayle Shonkwiler ("Respondent"). The Registered  
24 Nurse License expired on August 31, 2008 and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code (all section references are to the  
27 Business and Professions Code unless otherwise noted) in pertinent part provides the Board may  
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1 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
2 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

3 4. In pertinent part, Section 2764 provides the expiration of a license shall not deprive  
4 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
5 render a decision imposing discipline on the license. Under section 2811 subdivision (b) the  
6 Board may renew an expired license at any time within eight years after the expiration.

7 5. Section 118 subdivision (b) grants the Board jurisdiction over suspended, expired,  
8 forfeited, cancelled, or surrendered licenses:

9 "The suspension, expiration, or forfeiture by operation of law of a license  
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
11 order of the board or by order of a court of law, or its surrender without the written  
12 consent of the board, shall not, during any period in which it may be renewed,  
13 restored, reissued, or reinstated, deprive the board of its authority to institute or  
continue a disciplinary proceeding against the licensee upon any ground provided by  
law or to enter an order suspending or revoking the license or otherwise taking  
disciplinary action against the licensee on any such ground."

14 6. In pertinent part, Section 2761 authorizes the Board to discipline licensees who have  
15 been disciplined by another state:

16 "The board may take disciplinary action against a certified or licensed  
17 nurse or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the  
19 following:

20 (4) Denial of licensure, revocation, suspension, restriction, or any other  
21 disciplinary action against a health care professional license or certificate by another  
22 state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action."

### 23 COST RECOVERY

24 7. In pertinent part Section 125.3 provides the Board may request the administrative law  
25 judge to direct a licensee found to have committed a violation or violations of the licensing act to  
26 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Ohio Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) on the  
4 grounds of unprofessional conduct because the Ohio Board of Nursing (Ohio Board) permanently  
5 revoked her nursing license in 2010, as follows:

6 9. On or about May 21, 2010, the Ohio Board issued an adjudication order adopting the  
7 findings and conclusions of law made by a hearing examiner in a disciplinary hearing *In the*  
8 *Matter of: Lesa D. Bullard, R.N.*, case numbers 08-0385 and 08-3799. In that order, the Ohio  
9 Board ordered Respondent's Ohio registered license permanently revoked for the following  
10 misconduct:

11 A. Respondent willfully disregarded practice restrictions she agreed to in a January  
12 2008 disciplinary settlement. That settlement required her to refrain from working  
13 for a temporary staffing agency and to provide any employer with a copy of the  
14 disciplinary settlement restricting her practice. Instead, the hearing officer found  
15 that Respondent had continued to work as a nurse for a staffing agency in willful  
16 violation of her settlement agreement and failed to notify the staffing agency of the  
17 restrictions on her license.

18 B. Respondent also was convicted of one count of felony Workers' Compensation  
19 fraud for fraudulently receiving over \$30,000 in workers' compensation benefits to  
20 which she was not entitled.

21 10. Under Section 2761 subdivision (a)(4) the Ohio Board's disciplinary action revoking  
22 Respondent's license in 2010 is grounds for the California Board to take its own disciplinary  
23 action.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 689498, issued to Lesa  
28 Dayle Bullard aka Lesa Dayle Shonkwiler;



1           2.     Ordering Lesa Dayle Bullard aka Lesa Dayle Shonkwiler to pay the Board of  
2 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
3 pursuant to Business and Professions Code Section 125.3; and,

4           3.     Taking such other and further action as deemed necessary and proper.

5  
6 DATED:

*June 25, 2012*

*Louise R. Bailey*

LOUISE R. BAILEY, M.Ed., R.N.  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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